IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12090 of 2004

Between:

S. Gurmeet Singh S/o S. Hari Singh
R/o H. No. 4-9-214, Sikh Chawni, Kishanbhag, Hyderabad

..... PETITIONER

AND

1 Chairman and Managing Director, Andhra Pradesh Central Power Distribution Co. Limited Singhareni Bhavan, Red Hills, Hyderabad.
2 The Divisional Engineer, Andhra Pradesh Central Power Distribution Co. Limited, Charminar Division, South Circle, Mir-Alam-Tank, Hyderabad.
3 The Asst. Engineer, Andhra Pradesh Central Power Distribution Co. Limited, Nandimuslaiaguda, Kishanbhag, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to (a) set aside the rejection orders passed by the third respondent vide his letter dated 13-08-2004 as unconstitutional and unsustainable in law and (b) to issue a Writ, order or direction more particularly one in the nature of Mandamus by directing the respondents herein to provide the domestic power connection to the petitioner herein.

(The prayer is amended as per Court order dated 30-08-2004 in W.P.M.P.No.19965 of 2004)

Counsel for the Petitioner: MR.YADAIAH

Counsel for the Respondents: MRS.M.VINOBHA DEVI (SC FOR APTRANSCO)

The Court at the stage of admission made the following Order:

The petitioner states that he has applied for domestic power connection for the premises bearing No.4-9-214, Sikh Chawni, Kishanbhag, Hyderabad, vide his application dated 08-03-2004. He states that though the said application was registered with the third respondent-Assistant Engineer, Andhra Pradesh Central Power Distribution Company Limited, Nandimuslaiaguda, Kishanbhag, Hyderabad on the same day and that he also paid requisite fee of Rs.1,125/- through demand draft, the third respondent refused to provide power connection stating that there was already a connection existing in the same premises in the name of his father by name S.Hari Singh. It is to be noted that during the pendency of this writ petition, the third respondent has also passed an order dated 13-08-2004 informing the petitioner that his application dated 08-03-2004 is rejected. The petitioner states that his father never possessed the power connection and that the version of the third respondent is incorrect. In the circumstances, he got the prayer in the writ petition amended and seeks a declaration that the order dated 13-08-2004 is arbitrary and illegal and consequently to direct the respondents to provide domestic power connection to the premises of the petitioner.

On behalf of the respondents, a counter-affidavit has been filed stating that in respect of the premises in question, there was earlier service connection in the name of one S.Hari Singh, which was released on 16-04-1991 and there were arrears against the said service connection to the tune of Rs.10,072/-. Since the arrears due were not paid, the said service connection was disconnected on 24-01-2002 and in the circumstances, the request of the petitioner to provide fresh service connection for the same premises has been rejected.

I have heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

The learned counsel for the petitioner disputes the stand taken by the

respondents and states that there was no service connection in the name of the petitioner's father in respect of the said premises.

The said question, being a pure question of fact, cannot be decided by this Court since it is neither possible nor permissible for this Court to investigate into disputed questions of fact.

In the circumstances, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the Superintendent Engineer (Operation) South Circle, Andhra Pradesh Central Power Distribution Company Limited, Hyderabad to enquire into the claim of the petitioner that the premises in question never had any service connection and that S.Hari Singh, whose name has been referred to in the impugned order, is not his father and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. It is made clear that if the petitioner is aggrieved by the order that may be passed by the Superintendent Engineer (Operation) South Circle, Andhra Pradesh Central Power Distribution Company Limited, Hyderabad, it is open to him to challenge the said order by working out the appropriate remedy as available under law.

Accordingly, the writ petition is disposed of. No costs.

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05-10-2004

kdl

To

1 Chairman and Managing Director, Andhra Pradesh Central Power Distribution Co. Limited Singhareni Bhavan, Red Hills, Hyderabad.
2 The Divisional Engineer, Andhra Pradesh Central Power Distribution Co. Limited, Charminar Division, South Circle, Mir-Alam-Tank, Hyderabad.
3 The Asst. Engineer, Andhra Pradesh Central Power Distribution Co. Limited, Nandimuslaiaguda, Kishanbhag, Hyderabad.

4 Two CD copies.

Communicate the copy to:

The Superintendent Engineer (Operation) Sourth Circle, Andhra Pradesh Central Power Distribution Company Limited, Hyderabad.